

# In the Supreme Court of the State of Alaska

**Albert Lee Allen,**

Petitioner,

v.

**State of Alaska,**

Respondent.

Supreme Court No. **S-17845**

## **Order**

Date of Order: **January 4, 2021**

Court of Appeals No. **A-12775**

Trial Court Case No. **3AN-14-07560CI**

The Petitioner, Albert Lee Allen, petitioned the court of appeals decision affirming the judgment of the superior court.

Mr. Allen was represented by counsel at public expense in this petition for hearing matter. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to “enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant’s conviction was reversed by the appellate court.” Because Mr. Allen was represented by court-appointed counsel in this petition for hearing matter, because Mr. Allen’s petition for hearing arose from a felony conviction— and because Mr. Allen’s conviction was not reversed — the Appellate Court Clerk’s Office notified Mr. Allen that it intends to enter judgment against him in the amount of \$1,000.00 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Allen now seeks judicial reconsideration of the Appellate Clerk’s decision. *See* Alaska Appellate Rule 503(h)(2)(A).

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Appellate Rule 209(b)(5) and (6) require criminal defendants whose convictions are not reversed on petition to reimburse to the government a portion of the cost of the attorneys who represent them at public expense.

Because this Court did not reverse Mr. Allen's conviction in this petition for hearing matter, Mr. Allen is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense. Accordingly, the decision of the Appellate Court Clerk to enter a \$1,000.00 judgment against Mr. Allen for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Albert Allen at Spring Creek Correctional Center

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